

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MAX LOUMENA,
Plaintiff,
v.
LESLIE NICHOLS, et al.,
Defendants.

Case No. [15-cv-02303-BLF](#)

ORDER TO SHOW CAUSE

On May 21, 2015, Plaintiff M.L. filed a Complaint in this matter seeking relief from a state court decision. *See* ECF No. 1. According to Plaintiff's Complaint, Plaintiff is a minor. Compl. at ¶ 3.

Under Fed. R. Civ. P. 17(c), a minor cannot file a lawsuit in his own name. The Court's records do not indicate that a motion for appointment of a guardian ad litem has been filed. In addition, the Court notes that M.L.'s representative, if and when appointed, must retain an attorney for M.L.'s benefit. *Johns v. Cnty. of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997) ("[W]e hold that [a guardian] cannot bring an action on behalf of a minor child without retaining a lawyer.").

Accordingly, the Court ORDERS Plaintiff to show cause with the following instructions:

- (1) On or before **August 21, 2015**, an individual qualified to represent M.L.'s interests, shall file an administrative motion pursuant to Civil Local Rule 7-11 for appointment of a guardian ad litem. The motion should identify the individual seeking to become M.L.'s representative for the purposes of this case and explain why that individual is a suitable representative.

(2) If the Court approves the appointment of the guardian ad litem, on or before

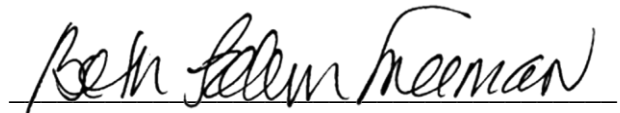
September 21, 2015, an attorney retained by the guardian ad litem to represent M.L.'s

interests shall file a Notice of Appearance.

Plaintiff is notified that failure to comply with this Order by filing or causing to be filed the documents identified above, or failure to otherwise show good cause in writing for such a failure by either deadline, will result in the dismissal of this matter without prejudice.

IT IS ORDERED.

Dated: July 27, 2015



BETH LABSON FREEMAN
United States District Judge